

CODIFIED ORDINANCES OF NORTHFIELD

PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE TWO - Street and Sidewalk Areas

- Chap. 1020. Streets Generally.
- Chap. 1022. Excavations.
- Chap. 1024. Trees and Shrubbery.
- Chap. 1026. Sidewalk Construction.
- Chap. 1028. Commercial Driveways.

TITLE FOUR - Utilities

- Chap. 1040. Water.
- Chap. 1042. Sewers.
- Chap. 1044. Gas.
- Chap. 1046. Electricity.

TITLE SIX - Other Public Services

- Chap. 1060. Garbage and Rubbish Collection and Disposal.
- Chap. 1062. Cemeteries.
- Chap. 1064. Playgrounds and Parks.
- Chap. 1066. Village Hall.
- Chap. 1068. Emergency Alarms.
- Chap. 1070. Snow Removal for Senior Citizens and/or Physically Disabled Residents.

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CHAPTER 1020
Streets Generally

- 1020.01 Maintenance of State highways.
- 1020.02 Traffic obstruction due to construction; traffic control required; permit.
- 1020.99 Penalty.

CROSS REFERENCES

- Injurious materials on - see TRAF. 412.01
 - Obstructions - see TRAF. 412.01, GEN. OFF. 654.01
 - Play streets - see TRAF. 412.03
 - Through streets - see TRAF. 414.02, 432.17
 - Closed streets - see TRAF. 432.26; B. & H. 1440.27
 - One-way streets - see TRAF. 432.30
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1020.01 MAINTENANCE OF STATE HIGHWAYS.

(a) It is hereby declared to be in the public interest that the consent of the Municipality be, and such consent hereby is, given to the Ohio Department of Transportation for said Department to maintain the travelled portions of, apply standard longitudinal pavement markings to, erect regulatory and warning signs on

and adjacent to, and plow snow and place abrasives for ice control on, State highways in the Municipality in accordance with the standard practices of the Ohio Department of Transportation.

(b) The Administrative Clerk is hereby directed to furnish the Ohio Director of Transportation and the Board of County Commissioners with a certified copy of this section immediately upon the taking effect thereof.
(Ord. 1992-20. Passed 5-13-92.)

1020.02 TRAFFIC OBSTRUCTION DUE TO CONSTRUCTION; TRAFFIC CONTROL REQUIRED; PERMIT.

Any construction activity that impedes or otherwise affects the progress of traffic on roadways within the boundaries of the Municipality shall require traffic control to be performed only under permit issued by the Chief of Police. Such traffic control shall be performed only by uniformed officers of the Police Department. If there are not sufficient Village personnel to perform the work, uniformed personnel from other departments and/or private companies that have the requisite training and experience may perform the work upon approval from and at the direction of the Police Chief. No person in need of traffic control services shall begin such construction activity without first having a permit signed by the Police Chief authorizing the construction activity to proceed and dictating the manner in which traffic controls will be maintained. Any person that requires such traffic control services to be provided by the Municipality shall be required to pay the police officers assigned to provide traffic control at the current hourly rate in place for such traffic control services, as determined by the Chief of Police.

(Ord. 2000-32. Passed 3-22-00; Ord. 2000-75. Passed 7-12-00.)

1020.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than 60 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 2000-75. Passed 7-12-00.)

CHAPTER 1022

Excavations

1022.01 Permit required; fee.	1022.05 Time limitations.
1022.02 Insurance.	1022.06 Backfilling.
1022.03 Bond.	1022.99 Penalty.
1022.04 Contents of permit.	

CROSS REFERENCES

Power to establish and care for streets - see Ohio R.C. 715.19, 717.01, 723.01

Openings by the Municipality - see Ohio R.C. 723.02

Surface treatment - see Ohio R.C. 723.23, 723.31

Liability for damage - see Ohio R.C. 723.49 et seq.

Digging, excavating and piling earth on streets - see Ohio R.C. 5589.10

Driving upon streets closed for repair - see TRAF. 432.26

Excavations for construction of dwellings - see B. & H. 1442.02

1022.01 PERMIT REQUIRED; FEE.

No person shall make any excavation in any public right-of-way without first obtaining a permit therefor from the Superintendent of the Service Department. The fee for such permit shall be one hundred dollars (\$100.00) and the same shall be paid to the Finance Director.

(Ord. 2008-61, passed 10-22-08)

1022.02 INSURANCE.

The Superintendent of the Service Department shall not issue the permit required by Section 1022.01 until the applicant therefor has submitted evidence that he or she has obtained and has in full force and effect comprehensive liability insurance for bodily injury, death and property damage in an amount of not less than five hundred thousand dollars (\$500,000) for each person, one million dollars (\$1,000,000) for each accident and three hundred thousand dollars (\$300,000) for property damage. The insurer shall certify that in the event of cancellation of the insurance, at least ten days written notice of such cancellation shall be given to the Municipality.

1022.03 BOND.

(a) The Superintendent of the Service Department shall not issue the permit required by Section 1022.01 until the applicant has deposited a cash bond of three hundred fifty dollars (\$350.00) with the Finance Director to insure that the ground surface where the excavation is made is restored to the same condition after construction as it was before construction and until a receipt evidencing the posting of such bond is obtained by the Superintendent from the Finance Director.

(b) The cash bond referred to in division (a) of this section shall be held for a minimum of one year after the completion of the project and shall be returned after that time by the Finance Director, without interest, upon approval of the work after an inspection by the Superintendent or his or her designee confirms that the project has been satisfactorily completed and is in full compliance with all ordinances of the Municipality. Should, however, repairs be needed to restore the ground and street surface of the project to their original condition during the one-year period, notification shall be given to the owner to repair the same by the Finance Director. If the repairs are not completed by the owner within ten days after such notification, the Municipality shall make the repairs, with all costs to be borne by the owner. In this event, the owner's cash bond shall then be used to offset all or part of these costs, with the balance due to be paid by, or refunded to, the owner.

(Ord. 1986-46. Passed 6-11-86; Ord. 2000-39. Passed 4-12-00; Ord. 2008-61, passed 10-22-08.)

1022.04 CONTENTS OF PERMIT.

The permit required by Section 1022.01 shall show the location and the depth of the excavation and the duration of the same.

(Ord. 1965-37. Passed 4-26-65.)

1022.05 TIME LIMITATIONS.

The excavations authorized by the permit required by Section 1022.01 shall be permissible during the hours of 9:00 a.m. and 4:00 p.m. only. The road and other applicable portions of the right-of-way shall be repaired within 90 days of the date the excavation work is commenced.

(Ord. 1965-37. Passed 4-26-65; Ord. 2002-16. Passed 4-10-02.)

1022.06 BACKFILLING.

(a) If the excavation cannot be backfilled within the hours set forth in Section 1022.05, then the person making such excavation must properly barricade and light the same and must also provide for safe passage of one-way traffic over such excavation by means of steel plates or some other acceptable practice of covering such openings.

(Ord. 1965-37. Passed 4-26-65.)

(b) The Superintendent of the Service Department or his or her designee shall inspect the excavation before the backfilling is begun.
(Adopting Ordinance)

(c) The following materials are required for backfilling:

(1) Unpaved roads shall be sand tamped every six to eight inches and filled within eighteen inches of the surface. The last eighteen inches shall be of No. 3 slag with a top dressing of MC35 emulsion with No. 6 chipped slag on the surface.

(2) Paved roads shall be backfilled with sand within twelve inches of the surface and tamped every six to eight inches. The last twelve inches shall be nine inches of concrete, with five-eighths inch steel tie rods tied horizontally into the solid base of the road, and the final three inches shall be MC35 blacktop as per the sketch submitted by the Municipal Engineer, which details that there shall be a twelve-inch shelf around the excavations.

(3) Ditches and tree lawns shall be replaced as they were before the excavation, in a workmanlike manner, as nearly as it is practical to do so.

(Ord. 1965-37. Passed 4-26-65.)

1022.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 1024

Trees and Shrubbery

- 1024.01 Planting; permit required; application.
- 1024.02 Removal or cutting down; permit required.
- 1024.03 Prohibited trees.
- 1024.04 Nuisance conditions; abatement.
- 1024.99 Penalty.

CROSS REFERENCES

- Assessments for tree planting or maintenance - see Ohio R.C. 727.011
- Dutch elm disease - see Ohio R.C. 927.39 to 927.42
- Injuring vegetation - see GEN. OFF. 642.04
- Weeds - see GEN. OFF. 660.17
- Landscaping - see P. & Z. 1248.07; B. & H. Ch. 1472

1024.01 PLANTING; PERMIT REQUIRED; APPLICATION.

No person shall plant any tree, shrub or bush in any public street, parkway or other public place without having secured a permit therefor. Applications for such permits shall be made to the Administrative Clerk and referred by him or her to the Superintendent of the Service Department before issuance. All trees, shrubs and bushes so planted shall be placed subject to the direction and approval of the Superintendent.

1024.02 REMOVAL OR CUTTING DOWN; PERMIT REQUIRED.

No person shall remove or cut down any tree or shrub in any public place without having secured a permit therefor. Application for such a permit shall be made to the Administrative Clerk and shall be referred to and approved by the Superintendent of the Service Department before issuance, and such work shall be done under the direction and control of the Superintendent or his or her designee.

(Ord. 1961-95. Passed 12-4-61.)

1024.03 PROHIBITED TREES.

No person shall plant or set out in any street, road, parkway or other public place any of the species of trees known as soft maple, poplar, willow or catalpa, or any variety thereof.

(Ord. 1961-95. Passed 12-4-61.)

2001 Replacement

1024.04 NUISANCE CONDITIONS; ABATEMENT.

(a) Nuisances Described. The following acts, things and conditions done or existing within the Municipality are hereby declared to be nuisances:

(1) Any tree upon any street or public place or so near thereto as to permit the roots of the tree to penetrate through or under the surface thereof.

(2) Any tree, plant or shrub, wherever located within the Municipality, infected with any parasite, insect, fungus or pest, which may be communicated to any other tree, plant or shrub.

(3) Any tree which has fallen, or is in such condition that it is likely to fall, on any public or private property, including the property upon which it is situated.

(4) Any tree, plant or shrub whose branches or trunk obstruct or impede traffic on any street or public place. Branches overhanging any public sidewalk, pavement or roadway within nine feet of the surface thereof shall be deemed prima-facie to obstruct or impede traffic thereon.

(b) General Prohibition. No person shall maintain any of the nuisances set forth in subsection (a) hereof.

(c) Abatement and Charges. Whenever, in the opinion of the Building and Zoning Inspector, any of the nuisances set forth in subsection (a) hereof exist, he or she shall cause its abatement and cause the cost of the abatement to be charged and collected in the manner provided herein.

(d) Notice. When a nuisance is located on or originates from real estate not owned by the Municipality, the Building and Zoning Inspector, on finding that the nuisance exists, may cause written notice to be served on the owner of the real estate. The notice shall set forth the nature of the nuisance, the Building and Zoning Inspector's estimate of the cost of abating the same, if done by the Municipality, a reasonable time determined by the Building and Zoning Inspector, not to exceed thirty days, within which the owner may abate the nuisance, and a statement that the nuisance may be abated by the Municipality, and the cost of abatement assessed on the real estate, if the nuisance is not abated within the stated time by the owner.

(e) Service of Notice. Notice may be served by delivering it personally to the owner, or by leaving it at the owner's usual place of business or residence, or by posting it in a conspicuous place on the real estate, or by mailing it to the owner or by publishing it once in a newspaper of general circulation within the Municipality, if it cannot be served in any of the other ways mentioned.

11 Trees and Shrubbery 1024.99

(f) Failure to Abate; Assessment of Costs. If the nuisance is not abated within the required time, the Building and Zoning Inspector shall cause its abatement and shall report the cost thereof to Council which may assess the same on the real estate on which the nuisance existed or on which the cause or source thereof was located.

(g) Waiver of Notice for Municipal Property Nuisance. When the cause or source of a nuisance exists on property owned by the Municipality, the Building and Zoning Inspector shall, and in any other case he or she may, abate the nuisance at the expense of the Municipality, and no notice shall be required preliminary to the abatement.
(Ord. 1965-110. Passed 9-13-65.)

1024.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 1026

Sidewalk Construction

- 1026.01 Permit required.
- 1026.02 Construction and material specifications.
- 1026.03 Removal for noncompliance.
- 1026.99 Penalty.

CROSS REFERENCES

- Sidewalk construction or repair at property owner's expense - see Ohio R.C. 729.01 et seq.
- Notice to construct or repair sidewalks - see Ohio R.C. 729.03 et seq.
- Driving upon sidewalks - see TRAF. 432.24
- Bicycles upon sidewalks - see TRAF. 444.06
- Maintenance of sidewalks - see GEN. OFF. 660.05
- Obstruction of sidewalks - see GEN. OFF. 660.10
- Sidewalks in subdivisions - see P. & Z. 1250.01

1026.01 PERMIT REQUIRED.

Any person desiring to construct or reconstruct a sidewalk on public property within the Municipality shall first apply to the Building and Zoning Inspector for a permit which shall be issued without cost.
(Ord. 1967-55. Passed 6-12-67.)

1026.02 CONSTRUCTION AND MATERIAL SPECIFICATIONS.

The following are the specifications for construction and materials for sidewalks and are required of sidewalks to be constructed or reconstructed:

- (a) Excavation. Excavation shall be made to a uniform depth of four inches below the finished grade of the sidewalks, except at driveways, where the depth shall be six inches for ten feet of length. Sidewalk grade shall be determined and approved by the Municipality.
- (b) Embankment. Where the existing ground is below the new sidewalk grade, any sod within the proposed sidewalk construction shall be removed. The material required to bring the finished surface to grade shall be earth, sand and gravel excavated from other areas or bank run sand and gravel

approved by the Municipality. Embankment shall be compacted by means of a small roller, air tamping or hand tamping to ninety-five percent of the material's maximum laboratory dry weight. Embankment material which does not contain sufficient moisture to compact to a maximum density shall be sprinkled with water, and material containing excessive moisture shall be permitted to dry to proper moisture content before compacting.

(c) Forms. The sidewalk shall be constructed between wood or metal forms and the height shall be equal to the thickness of the walks except at driveways. Forms shall be securely set with the upper side conforming to the line and grade as designated by the Municipality. Forms shall be cleaned and oiled after each use and flexible forms shall be used on curves. Forms shall be set so the walk will have a uniform cross slope of three-eighths of an inch per foot with the low side toward the street centerline. All covers pertaining to shut-off boxes, manhole frames and other similar fixtures shall be adjusted to the grade of the complete walk prior to placing the concrete. All forms shall be inspected by the Municipality before any concrete is placed.

(d) Joints. Contraction joints that are one-eighth of an inch in thickness shall be used to divide the walk for its full width by using a double-edge edging tool every five feet. An expansion joint one-half inch in width shall be provided for the entire width and thickness of the concrete for every fifty feet of length and where the walk abuts driveways, steps, curb, manholes, catch basins or building foundations.

(e) Material. Concrete for sidewalks and driveways shall be Portland cement conforming to the State of Ohio Department of Transportation Construction and Material Specifications, Item 499, Class "C" limestone or slag (no gravel aggregate permitted). Expansion joint material shall be one-half inch pre-molded bituminous strip of full concrete depth.

(f) Placing and Finishing. No concrete shall be placed as sidewalk when the temperature of the air or ground is below forty degrees Fahrenheit. The subgrade shall be adequately moistened prior to placing the concrete and the concrete shall be deposited and compacted in a single layer. It shall be struck off with a templet and smoothed with a float to obtain a sandy texture. All four top edges of each sidewalk block shall be rounded to a one-fourth inch radius with a suitable edging tool.

(g) Curing and Protection. As soon as the concrete has hardened sufficiently to prevent its being marked, it shall be covered with wet burlap or a polyethylene sheet. The burlap cover shall be kept continuously wet for a period of seventy-two hours for sidewalks and seven days for driveways. The polyethylene sheet shall be retained for the same period. A waterproof membrane for curing may be used immediately after the free water has disappeared from the surface. All exposed surfaces of the concrete shall be

sealed by spraying thereon a uniform application of curing membrane in such manner as to provide a continuous uniform film without marring the surface of the concrete. The curing material may be applied with a hand spray at a minimum rate of one gallon for each 200 square feet of surface treated. Curing material shall be thoroughly agitated immediately prior to application. (Ord. 1967-55. Passed 6-12-67.)

1026.03 REMOVAL FOR NONCOMPLIANCE.

The Building and Zoning Inspector may order any sidewalk removed which does not comply with the requirements of Section 1026.02. Such remedy shall be in addition to the penalty provided for in Section 1026.99.

1026.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 1028
Commercial Driveways

1028.01 Construction specifications.
1028.02 Removal for noncompliance.
1028.99 Penalty.

CROSS REFERENCES

Repair and maintenance of ditches - see Ohio R.C. 6141.11
Right-of-way at private driveways - see TRAF. 432.21
Stop signs on private driveways - see TRAF. 432.22
Speed limits on private driveways - see TRAF. 434.04
Driveways in R-1 Districts - see P. & Z. 1266.07

1028.01 CONSTRUCTION SPECIFICATIONS.

Commercial driveways shall be constructed eight inches thick with 6 x 6 4/4 welded wire mesh reinforcement in the center of the slab.
(Ord. 1967-55. Passed 6-12-67.)

1028.02 REMOVAL FOR NONCOMPLIANCE.

The Building and Zoning Inspector may order any driveway removed which does not comply with the requirements of Section 1028.01. Such remedy shall be in addition to the penalty provided for in Section 1028.99.

1028.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

TITLE FOUR - Utilities

- Chap. 1040. Water.
- Chap. 1042. Sewers.
- Chap. 1044. Gas.
- Chap. 1046. Electricity.

CHAPTER 1040 Water

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| <p>1040.01 Tap-ins; permit required; fees.</p> <p>1040.02 Fee for nonresident taps.</p> <p>1040.03 Charges per front foot; assessments.</p> <p>1040.04 Water service specifications and installation location; location of curb valve boxes.</p> <p>1040.05 Inspection fee.</p> | <p>1040.06 Deposit of permit charges; use of moneys.</p> <p>1040.07 Tap-in permit issuance outside Municipal limits contingent on payment of fees.</p> <p>1040.08 Pressure-reducing valve required.</p> <p>1040.99 Penalty.</p> |
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CROSS REFERENCES

- Power to provide and regulate water system - see Ohio R.C. 715.08, 717.01, 743.01
- Water pollution - see Ohio R.C. 715.08, 743.24 et seq.; GEN. OFF. 660.04
- Compulsory water connections - see Ohio R.C. 729.06, 743.23
- Tampering with water hydrants, pipes or meters; unauthorized connections - see Ohio R.C. 4933.22
- Prosecutions for theft of utilities - see GEN. OFF. 672.06
- Water charges - see S.U. & P.S. 1042.31

1040.01 TAP-INS; PERMIT REQUIRED; FEES.

No person shall connect into a water line or water main owned by the Municipality without first obtaining a permit therefor, and no permit for a water service connection shall be issued except upon advance payment to the Finance Director of a water service tap-in fee as set forth in the following schedules, which fee shall be exclusive of and in addition to any charges made by the Water Division of the City of Cleveland for installation of any water service connection.

Water Service Tap-In Permit Fees

<u>Pipe Size (in.)</u>	<u>Fee</u>
3/4	\$ 200.00
1	500.00
1-1/2	625.00
2	1,200.00
3	2,600.00
4	3,100.00
6	6,800.00
8	12,600.00
12	28,000.00
16	50,000.00

Multifamily dwellings shall pay the following water service tap-in fees only, regardless of the size of the pipe used:

Multifamily Water Service Tap-In Permit Fees

<u>Number of Suites</u>	<u>Fee per Suite</u>
Up to 12	\$ 250.00
13 to 24	240.00
25 to 36	230.00
37 to 48	220.00
49 to 60	210.00
61 to 72	200.00
73 to 84	190.00
85 to 96	180.00
Over 96	180.00

Where a service connection is used exclusively to provide water for fire-fighting purposes, the water service tap-in fees shall be as follows:

Fire Line Water Service Tap-In Permit Fees

<u>Size of Line (in.)</u>	<u>Fee</u>
4	\$ 2,500.00
6	4,000.00
8	5,000.00

(Ord. 1986-45. Passed 6-11-86; Ord. 2008-61, passed 10-22-08; Ord. 2013-40. Passed 5-8-13.)

1040.02 FEE FOR NONRESIDENT TAPS.

The water service connection fee for any property located outside the limits of the Municipality is hereby established at 150 percent of the rates set forth in Section 1040.01. (Ord. 1972-44. Passed 6-14-72.)

1040.03 CHARGES PER FRONT FOOT; ASSESSMENTS.

(a) Before a water service connection permit is issued to any property owner, or his or her agent, a charge of twelve dollars (\$12.00) per front-foot of width of the property shall be paid to the Director of Finance.

(b) The requirement of the front-foot charge is applicable only to property owners who have not been assessed by special assessments specifically for the installation of the water main in front of their property. The special assessments made for the water tower do not release the property owner from the requirements of subsection (a) hereof.

(c) The front-foot charge for a water service connection for any property located outside the limits of the Municipality is hereby established at eighteen dollars (\$18.00) per front foot. (Ord. 1972-44. Passed 6-14-72; Ord. 2008-61, passed 10-22-08; Ord. 2013-40. Passed 5-8-13.)

**1040.04 WATER SERVICE SPECIFICATIONS AND INSTALLATION
LOCATION; LOCATION OF CURB VALVE BOXES.**

All water services shall be Type K copper ASTM B 88-66a, or ductile cast iron, Class 3, cement-lined ASTM A 339-55. The water service shall be installed four feet to five feet below grade and all curb valve boxes shall be located in the tree lawn in the street right-of-way.

(Ord. 1972-44. Passed 6-14-72.)

1040.05 INSPECTION FEE.

A fee of seventy-five dollars (\$75.00), plus additional charges of forty-two dollars (\$42.00) per hour for all time spent inspecting the installation of the water line greater than one-half hour, shall be paid for inspection of the construction of each water service connection installed. The re-inspection fee shall be forty dollars (\$40.00).

(Ord. 1972-44. Passed 6-14-72; Ord. 2008-61, passed 10-22-08; Ord. 2013-40. Passed 5-8-13.)

1040.06 DEPOSIT OF PERMIT CHARGES; USE OF MONEYS.

Permit charges collected shall be deposited by the Administrative Clerk into a separate and distinct fund, subject to the control of Council for any maintenance and operating expenses incurred by Council pursuant to the direct service contract with the City of Cleveland for supply of water into and through the water system of the Municipality, and/or for emergency repair or construction not to exceed five thousand dollars (\$5,000), and/or for any construction, enlargement or extension thereof which Council, in its discretion, orders to be undertaken. (Ord. 1986-45. Passed 6-11-86.)

**1040.07 TAP-IN PERMIT ISSUANCE OUTSIDE MUNICIPAL LIMITS
CONTINGENT ON PAYMENT OF FEES.**

The Administrative Clerk shall not issue a water tap-in permit to anyone who is located outside the limits of the Municipality unless the fees set forth in Sections 1040.02, 1040.03 and 1040.05 are paid in full.
(Ord. 1972-44. Passed 6-14-72.)

1040.08 PRESSURE-REDUCING VALVE REQUIRED.

A pressure-reducing valve shall be required to be installed in every water line connection to the water system of the Municipality. Such valve shall be installed at the owner's expense and must meet all requirements prescribed by the Department of Public Utilities of the City of Cleveland.
(Ord. 1965-93. Passed 7-12-65.)

1040.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 1042

Sewers

1042.01	Definitions.	1042.17	Nonmetered commercial and industrial charges.
1042.02	Public sewer use required.	1042.18	School buildings. (Repealed)
1042.03	Discharges to storm sewers, sanitary sewers, and streams restricted.	1042.19	Rates for premises outside corporate limits.
1042.04	Tap-in and inspection charge required for building permit.	1042.20	Free service prohibited.
1042.05	Bond for construction of sanitary and storm sewer lateral.	1042.21	Special measurement method for industrial wastes rate.
1042.06	Flushing sanitary sewers; violations; remedies.	1042.22	Private metering devices for commercial and industrial premises.
1042.07	Prerequisites to issuance of permits; permit expiration; test tees.	1042.23	Additional charges for heavy industrial wastes.
1042.08	Specifications; construction; repair.	1042.24	Payment of maintenance fee charges; penalty for delinquency; billing.
1042.09	Backwater or check valve required for future May Avenue residences.	1042.25	Charges a lien.
1042.10	Color photographic record required before acceptance.	1042.26	Liability for charges.
1042.11	Purpose of system charges.	1042.27	Prorated charges.
1042.12	Deposits into Sewer Revenue Fund; use of moneys.	1042.28	Authority to increase rates.
1042.13	Charges levied.	1042.29	Nonacceptable industrial wastes prohibited.
1042.14	Charges.	1042.30	Rules and regulations of Council.
1042.15	Billing and collection.	1042.31	Water and sewer charges; combined billing. (Repealed)
1042.16	Incorporation of Sewer Use Code.	1042.32	Penalty for delinquent sewer maintenance charge payments.
		1042.99	Penalty.

CROSS REFERENCES

Superintendent of Sewer Department - see CHTR. §§7.01 et seq.

Compulsory sewer connections - see Ohio R.C. 729.06

Sewers - see Ohio R.C. 729.31 et seq.

Sewerage rates - see Ohio R.C. 729.49, 729.52

Management and control of sewerage system - see Ohio R.C. 729.50 et seq.

Untreated sewage - see Ohio R.C. 3701.59

Interference with sewage flow - see Ohio R.C. 4933.24

Prosecutions for theft of utilities - see GEN. OFF. 672.06

1042.01 DEFINITIONS.

As used in this chapter:

- (a) "Acceptable industrial waste" means liquid organic waste materials not containing toxic or explosive elements or other substances injurious to sewers or sewage treatment processes and which result from any commercial, manufacturing or industrial operation or process.
- (b) "Commercial user" means stores; shops; professional and business offices; barber and beauty shops; filling stations; automobile sales, service and repair establishments; restaurants, lunch counters and beer parlors; laundromats; churches; financial institutions; and other premises providing retail services or products.
- (c) "Nonacceptable industrial waste" means liquid waste in which are incorporated minerals, oil, acid or toxic metallic or chemical substances, resulting from any commercial, manufacturing or industrial operation or process.
- (d) "Sanitary sewage" means the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, cellar floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, garage/ accessory building floor drains, and any other water-borne waste not constituting an industrial waste.
(Ord. 1972-43. Passed 7-12-72; Ord. 2000-39. Passed 4-12-00.)

1042.02 PUBLIC SEWER USE REQUIRED.

No owner, agent, lessee, tenant or occupant of any lot or land located within the Municipality shall establish, construct, maintain or permit to remain a privy, cesspool or other receptacle for sewage or excreta, or a connection to a private sewer, ditch or other outlet, if such lot or land is accessible to a public sewer constructed and used for the purpose of conveying sewage. When a public sewer is available or is hereafter made available, a connection to the public sewer shall be established and used by the owner, agent, lessee, tenant or occupant, who shall, for this purpose, obtain a connection permit from the Administrative Clerk, upon the recommendation of the Superintendent of Sewer Service.
(Ord. 1986-47. Passed 6-11-86.)

1042.03 DISCHARGES TO STORM AND SANITARY SEWERS, AND STREAMS RESTRICTED.

(a) No owner, agent, lessee, tenant or occupant of any lot or land located within the Municipality, or other person, shall discharge into the storm sewers or drains of the Municipality any sanitary sewage, industrial wastes, or chemicals, including, but not limited to, motor oil, gasoline, diesel oil, fuel oil, automotive coolant, transmission fluid, solvents, grease, paint, paint thinner or brush cleaner, turpentine, or any other hazardous, flammable, or corrosive liquid or substance.

(b) No owner, agent, lessee, tenant, or occupant of any lot or land located within the Municipality, or other person, shall discharge into the sanitary sewers of the Municipality any roof water, surface or subsoil drainage, other clean waste water, industrial wastes, grease, or chemicals, including, but not limited to, motor oil, gasoline, diesel oil, fuel oil, automotive coolant, transmission fluid, solvents, grease, paint, paint thinner or brush cleaner, turpentine, or any other hazardous, flammable, or corrosive liquid or substance.

(c) No owner, agent, lessee, tenant, or occupant of any lot or land located within the Municipality, or other person, shall discharge into a stream or other watercourse in the Municipality any industrial wastes, grease, or chemicals, including, but not limited to, motor oil, gasoline, diesel oil, fuel oil, automotive coolant, transmission fluid, solvents, grease, paint, paint thinner or brush cleaner, turpentine, or any other hazardous, flammable, or corrosive liquid or substance.

(Ord. 1972-43. Passed 7-12-72; Ord. 2012-66. Passed 9-26-12.)

1042.04 TAP-IN AND INSPECTION CHARGE REQUIRED FOR BUILDING PERMIT.

(a) A sewer tap-in charge of one thousand dollars (\$1,000.00) is required of every residence on which a new construction permit is issued, and a tap-in fee of one hundred fifty dollars (\$150.00) is required for each reconstruction permit issued. A sewer tap-in charge of two thousand dollars (\$2,000.00) is required of every multi-family property on which a new construction permit is issued, and a tap-in fee of four hundred dollars (\$400.00) is required for each reconstruction permit issued. A sewer tap-in charge of three thousand dollars (\$3,000.00) is required of every commercial, industrial, or public or quasi-public property on which a new construction permit is issued, and a tap-in fee of five hundred dollars (\$500.00) is required for each reconstruction permit issued. An inspection charge of seventy-five dollars (\$75.00) is required of every residence or place of business on which a construction or reconstruction permit is issued. For commercial, industrial, or public or quasi-public properties, if a municipal inspector needs to be on a construction site to observe and/or inspect work for more than one-half hour, the permit holder will be billed at the rate of forty-two dollars (\$42.00) per hour. The project manager or project foreman shall sign an inspection time sheet identifying the time period the inspector was present for the inspection. A minimum extra time inspection fee of seventy-five dollars (\$75.00) shall be charged. The reinspection fee shall be forty dollars (\$40.00).

(b) The tap-in and inspection charge shall be paid upon the issuance of a building permit or authority to make a connection to the sewer system of the Municipality. Any additional inspection charges owed pursuant to subsection (a) above shall be paid after receipt of an invoice from the Village for such charges and prior to receipt of final approval to utilize a connection to the sewer system of the Municipality.

(c) For purposes of this section, "sewer system" refers to storm and sanitary sewers. (Ord. 1999-52. Passed 8-11-99; Ord. 2008-61. Passed 10-22-08; Ord. 2013-41. Passed 5-8-13.)

1042.05 BOND FOR CONSTRUCTION OF SANITARY AND STORM SEWER LATERAL.

(a) In each instance of new construction of a single-family residential sanitary or storm sewer lateral the owner shall provide a cash bond in the amount of four hundred dollars (\$400.00) to insure that the sewer lateral ground surface on the Municipal property is restored to the same condition after construction as it was in before construction. The bond pursuant to this section for multi-family properties shall be five hundred dollars (\$500.00), and the bond for commercial, industrial, public and quasi-public properties shall be one thousand dollars (\$1,000.00). An additional seventy-five dollars (\$75.00) shall be provided for a final inspection charge. For commercial, industrial, or public or quasi-public properties, if a municipal inspector needs to be on a construction site to observe and/or inspect work for more than one-half hour, the permit holder will be billed at the rate of forty-two dollars (\$42.00) per hour. The project manager or project foreman shall sign an inspection time sheet identifying the time period the inspector was present for the inspection. A minimum extra time inspection fee of seventy-five dollars (\$75.00) shall be charged. The reinspection fee shall be forty dollars (\$40.00).

(b) In each instance of repair or reconstruction of a sanitary sewer lateral, the owner shall provide a cash bond in the amount of three hundred fifty dollars (\$350.00) to insure that the ground surface on the Municipal property is restored to the same condition after construction as it was before construction. An additional seventy-five dollars (\$75.00) shall be provided for a final inspection charge. For commercial, industrial, or public or quasi-public properties, if a municipal inspector needs to be on a construction site to observe and/or inspect work for more than one-half hour, the permit holder will be billed at the rate of forty-two dollars (\$42.00) per hour. The project manager or project foreman shall sign an inspection time sheet identifying the time period the inspector was present for the inspection. A minimum extra time inspection fee of seventy-five dollars (\$75.00) shall be charged. The reinspection fee shall be forty dollars (\$40.00).

(c) The cash bonds provided for in subsections (a) and (b) hereof shall be held for a minimum of one year after the completion of the construction and shall be returned after that time by the Finance Director, without interest, upon approval of the work after an inspection by the Superintendent of the Service Department confirms that the project has been satisfactorily completed and is in full compliance with all ordinances of the Municipality. Should, however, repairs be needed to restore the ground and street surface of the sewer lateral to their original condition during the one-year period, notification shall be given to the owner to repair the same. If the repairs are not completed by the owner within ten days after such notification, the Municipality shall make the repairs, with all costs to be borne by the owner. In this event, the owner's cash bond shall then be used to help offset all or part of these costs, with the balance due to be paid by, or refunded to, the owner. The overtime cash bond provided for in subsections (a) and (b) hereof shall be forfeited to the Village if the inspection is not completed between 8:00 a.m. and 3:30 p.m.

weekdays, and shall be refunded upon the Service Director's verification to the Finance Director that the inspection was completed between 8:00 a.m. and 3:30 p.m. weekdays. (Ord. 1999-52. Passed 8-11-99; Ord. 2000-39. Passed 4-12-00; Ord. 2008-61. Passed 10-22-08; Ord. 2013-41. Passed 5-8-13.)

1042.06 FLUSHING SANITARY SEWERS; VIOLATIONS; REMEDIES.

No person shall flush, or cause to be flushed, a sanitary sewer line into the sanitary sewer system of the Municipality during the construction or reconstruction of any building within the confines of the Municipality without first obtaining the express written permission of the Superintendent of the Department of Public Service. Whoever violates this section shall be subject to a fine plus the cost of completely cleaning all of the sanitary sewer lines between the point of flushing and the point of connection with the Cuyahoga Valley Interceptor.

(Ord. 1986-47. Passed 6-11-86; Ord. 2000-39. Passed 4-12-00.)

1042.07 PREREQUISITES TO ISSUANCE OF PERMITS; PERMIT EXPIRATION; TEST TEES.

(a) Before anyone connects or reconnects into the sanitary and/or storm sewerage system, all permit fees and bonds required by this chapter shall be paid to the Finance Director. Once the sewer permit is issued, it shall expire within ninety days after the start of construction of the sanitary and/or storm sewerage connection.

(b) Any time an existing lateral is repaired or reconstructed, and if there is no test tee, a test tee shall be installed by the owner before the repair or reconstruction is accepted.

(c) The test tee shall be located not farther than five feet from the exit point of the foundation, whether it is a sanitary and/or storm sewer lateral. When transition is made, the test tee will be installed after transition.

(Ord. 1986-47. Passed 6-11-86; Ord. 2000-39. Passed 4-12-00.)

1042.08 SPECIFICATIONS; CONSTRUCTION; REPAIR.

(a) Vitrified clay pipe shall be manufactured in accordance with ASTM C-13 specifications for standard strength vitrified clay pipe. Where connections are made under walks, driveways, streets, roads or structures, and where connections are made with cast iron pipe, extra strength pipe ASTM C-200 shall be furnished. All joints shall conform to ASTM C-425 (Type 11) specification. "Premium joint" or equivalent shall be made in all cases, with plastic castings in bell and on spigot, factory applied. Elastomeric materials shall be neoprene or polyvinyl chloride, and the same shall be tested in accordance with ASTM D-543 for resistance to chemical reagents, or ASTM C-425 for materials with resilient properties.

(b) Installations of all pipe shall conform strictly with ASTM C-12, "Tentative Recommended Practice for Installing Clay Sewer Pipe".

(c) All ASTM specifications shall refer to the latest revisions.

(d) A ten-foot length of double extra-heavy cast iron or PVC pipe shall be placed where all sanitary and/or storm sewer lines cross the exterior footings on all buildings.

(e) A rubber donut shall be used for all joints between cast iron and vitrified pipe.

(f) Repairs to, or reconstruction of, the sanitary and/or storm sewer lateral from the main sanitary sewer line to the house, resulting from any blockage such as tree roots, broken lines, etc., shall be the sole responsibility of the property owner or owners. All such repairs or reconstruction shall be done in compliance with all other sections of this chapter. (Ord. 1986-47. Passed 6-11-86; Ord. 2000-39. Passed 4-12-00.)

1042.09 BACKWATER OR CHECK VALVE REQUIRED FOR FUTURE MAY AVENUE RESIDENCES.

All future residences on May Avenue west of Northfield Road are hereby required to install a backwater or check valve in the lateral sanitary sewer line before the same is connected into the sanitary sewerage system of the Municipality. The Superintendent of Sewer Service or his or her designee shall approve the installation of the valve before the connection shall be permitted to be made. The installation of the required valve shall be made at the expense of the owner of the property.

1042.10 COLOR PHOTOGRAPHIC RECORD REQUIRED BEFORE ACCEPTANCE.

(a) Before any sanitary or storm sewer line shall be accepted by this Municipality, a photographic record in color of the interior of the entire sewerage system of the area of the subdivision being presented to the Municipality for acceptance must be deposited with the Administrative Clerk. This color photographic record must be made one year after the construction of the sewer has been completed.

(b) Failure to provide such color photographic record of the sewer shall be cause for Council to refuse to accept such facility for operation and maintenance by the Municipality. (Ord. 1972-43. Passed 7-12-72.)

1042.11 PURPOSE OF SYSTEM CHARGES.

It is hereby determined and declared to be necessary for the due protection of the public health, safety and welfare of the Municipality to establish and collect charges for the use of the system upon all lots, lands and premises served by or having connection with the system. (Ord. 1972-43. Passed 7-12-72.)

1042.12 DEPOSITS INTO SEWER REVENUE FUNDS; USE OF MONEYS.

Except as hereinafter otherwise provided, funds received from the collection of rates and charges shall be deposited as received with the Finance Director, who shall keep the same

in a separate fund designated the Sewer Revenue Fund. Subject to the provisions of any ordinance or indenture of mortgage authorizing the issuance of and securing mortgage revenue bonds for the system, moneys in the Fund shall be used for the payment of the cost and expense of operation, maintenance, repair and management of the system and for the payment of debt charges on bonds issued for extensions and improvements of the system, and any surplus in the Fund over and above the requirements hereinbefore mentioned may be used for enlargements of and replacements to the system and parts thereof.
(Ord. 1972-43. Passed 7-12-72.)

1042.13 CHARGES LEVIED.

For the purposes provided in Section 1042.12 there is hereby levied and charged upon each lot, parcel of land or premises having a connection with the system, or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly, into the system, sewer charges payable as provided and in amounts set forth in Sections 1042.14 through 1042.19.
(Ord. 1972-43. Passed 7-12-72.)

1042.14 CHARGES.

For sewerage service and maintenance provided by the Northeast Ohio Regional Sewer District and the Municipality, to any residential, commercial and industrial user within the Municipality, the charges shall be as follows:

(a) The Municipality shall charge the following rates:

- (1) For residential use, each single home or each family unit or dwelling unit in a multifamily home or building, a sewerage service maintenance charge shall be levied at the rate of thirty-three dollars (\$33.00) per quarter, regardless of the number of connections made to the system serving the home or building.
- (2) For motels, hotels and business related dormitories, a sewer service maintenance charge shall be levied for each family or dwelling unit on the premises at the rate of thirty dollars and eighty-seven cents (\$30.87) per quarter, regardless of the number of connections made to the system serving the home or building.
- (3) For commercial use for each separate commercial user, unit, store, business establishment or professional office, a sewerage service charge shall be levied at the rate of eighty-six dollars and seventy-seven cents (\$86.77) per quarter, regardless of the number of connections made to the system servicing the commercial user, store, business establishment, professional office or building.

- (4) For industrial use for each separate industrial user, unit, manufacturer or business establishment, a sewerage service charge shall be levied at the following rates, per quarter, regardless of the number of connections made to the system serving the industrial user, unit, manufacturer, business establishment or building:
 - A. Eighty-six dollars and seventy-seven cents (\$86.77) if its principal place of business is within the corporate limits of the Village; and
 - B. One hundred thirty dollars and fifteen cents (\$130.15), if its principal place of business is located outside of the corporate limits of the Village.
- (5) For school use, a charge of two dollars and thirty-five cents (\$2.35) per pupil, teacher and employee per quarter shall be levied for sewerage service charges. The number of pupils, teachers and employees shall be determined for the calendar year by the number of full-time pupils, teachers and employees enrolled or employed in the school building on October 15, preceding the calendar year of the levy, and a census shall be taken each year by applicable school authorities as of such date and a copy of the census report shall be certified to the Director of Finance within ten days after it is taken.
(Ord. 1998-36. Passed 5-13-98; Ord. 2001-06. Passed 1-10-01; Ord. 2013-20. Passed 3-13-13.)
- (b) The Northeast Ohio Regional Sewer District has the power to estimate and charge its own rates for any sewerage service provided to any domestic, commercial and industrial users, including any body politic, person, corporation or their premises located within the Municipality or using Municipal sewers. Such sewerage service charge shall be based upon the quantity of metered water used in or upon such premises and shall be made and collected at established rates for each 1,000 cubic feet of water measured by meter, whether or not such water is furnished by the City of Cleveland.
 - (1) Current sewerage service charges provided to direct service communities shall be ten dollars and thirty-six cents (\$10.36)/mcf, but such sewerage charges shall be amended from time to time as the need arises and shall be uniformly applied to all users of the system.
 - (2) Where water is supplied to a premises or building by means of wells or water tankers, sewer service charges shall be based upon sound estimates of the volume of discharge. Sewer bills shall be prepared for such premises and issued by the Comptroller of the District.
- (c) The rate changes designated in this section shall become effective when the Municipal sewer lines are tied in to the Northeast Ohio Regional Sewer District lines.
(Ord. 1993-52. Passed 9-22-93.)

1042.15 BILLING AND COLLECTION.

Charges for sewerage services shall be billed as follows:

- (a) Charges for sewerage services provided by the Municipality shall be billed out and collected by the Municipality or any agent appointed or retained by the Municipality to perform those tasks.
- (b) Charges for sewerage services provided by the Northeast Ohio Regional Sewer District shall be billed out and collected by the City of Cleveland, pursuant to the agreement between the City of Cleveland and the Northeast Ohio Regional Sewer District, except where otherwise provided.

(Ord. 1984-43. Passed 6-13-84; Ord. 2001-06. Passed 1-10-01.)

1042.16 INCORPORATION OF SEWER USE CODE.

The Municipality hereby incorporates herein the Northeast Ohio Regional Sewer District Sewer Use Code, dated June 2, 1981, and as amended from time to time, as if fully rewritten.

(Ord. 1984-43. Passed 6-13-84; Ord. 2001-06. Passed 1-10-01.)

1042.17 NONMETERED COMMERCIAL AND INDUSTRIAL CHARGES.

For commercial or industrial premises which do not have a meter measuring the amount of water consumed thereon, Council, based on a consideration of similar premises and uses, engineering factors and other relevant matters, may estimate the quarterly amount of water to provide adequate water service and pressure to the premises for the purpose and period for which nonmetered water is consumed, and based on such estimate, the charges set forth in Section 1042.14 shall be levied. If the owner of the premises or other interested party elects to do so, he or she may install at his or her expense water meters satisfactory to the City of Cleveland, Division of Water, to the extent necessary to measure all supplies of water, and the quantity of water consumed on the premises shall be deemed to be the aggregate amount disclosed by these meters.

(Ord. 1986-47. Passed 6-11-86.)

1042.18 SCHOOL BUILDINGS. (REPEALED)

(EDITOR'S NOTE: Section 1042.18 was repealed by Ordinance 2001-06, passed January 10, 2001.)

1042.19 RATES FOR PREMISES OUTSIDE CORPORATE LIMITS.

Premises located outside the corporate limits of the Municipality and served by the system shall be charged 125 percent of the rate which would be applicable to the premises if located within the corporate limits. (Ord. 1972-43. Passed 7-12-72.)

1042.20 FREE SERVICE PROHIBITED.

No free service shall be provided to any premises having a connection with the system. (Ord. 1972-43. Passed 7-12-72.)

1042.21 SPECIAL MEASUREMENT METHOD FOR INDUSTRIAL WASTES RATE.

In the event that any premises discharge industrial wastes, either directly or indirectly, into the system, and Council finds that it is impractical to measure these wastes by meter, such wastes shall be measured in a manner and by a method that Council finds practicable in order to determine the sewer service charge based upon the rate provided in Section 1042.14.

(Ord. 1986-47. Passed 6-11-86.)

1042.22 PRIVATE METERING DEVICES FOR COMMERCIAL AND INDUSTRIAL PREMISES.

In the event that Council is satisfied that a portion of the water from any source consumed upon any commercial or industrial premises does not and cannot enter the system, then in such case the owner or other interested party may, at his or her expense, install and maintain separate metering devices that demonstrate to the satisfaction of Council that portion of the water so consumed which is discharged into the system, and this portion shall be the basis for measuring the sewer charge under this chapter.

(Ord. 1986-47. Passed 6-11-86.)

1042.23 ADDITIONAL CHARGES FOR HEAVY INDUSTRIAL WASTES.

Over and above the rates and charges established by Section 1042.14, there may be established in special instances and upon special agreement between the Municipality and the owner of any premises served by the system, additional charges for industrial wastes of unusual strength or composition which are accepted by the Municipality for treatment, as may be determined to be fair and equitable. Each special agreement and the charges established thereby shall not become effective until ratified by ordinance duly passed by Council.

(Ord. 1972-43. Passed 7-12-72.)

1042.24 PAYMENT OF MAINTENANCE FEE CHARGES; PENALTY FOR DELINQUENCY; BILLING.

Sewer line maintenance fee charges shall be payable each quarter, shall be due and payable within 30 days after the billing date and shall be net for that period. A one and one-half percent per month penalty shall be imposed on any amounts not paid by the due date. Sewer line maintenance fee charges to those premises supplied or not supplied by metered public water supply shall be billed by the Municipality.

(Ord. 1995-76. Passed 9-27-95; Ord. 2001-06. Passed 1-10-01.)

1042.25 CHARGES A LIEN.

Each sewer charge levied pursuant to this chapter is hereby made a lien upon the premises charged therewith, and if the same is not paid prior to the end of the quarter during which it is due and payable, it shall be certified to the County Auditor, who shall place the same on the tax duplicate, with interest and penalties allowed by law, to be collected as other Municipal taxes are collected.

(Ord. 1972-43. Passed 7-12-72; Ord. 2001-06. Passed 1-10-01.)

1042.26 LIABILITY FOR CHARGES.

In the case of rented or leased lots, parcels of land or premises, including improvements thereon having a connection with the system, the lessor and lessee shall be liable for the payment of the sewer charges herein provided and the Municipality may collect such charges from either the lessor or the lessee.

(Ord. 1972-43. Passed 7-12-72.)

1042.27 PRORATED CHARGES.

Any premises making a connection with the system and using the same after the first day of any quarter shall be charged a per diem pro-rata amount based on the applicable quarterly flat rate or minimum charge, as the case may be, if the quarterly flat rate or quarterly minimum basic rate is applicable, or a charge based on the cubic feet of water used if the amount of water used is in excess of the amount for which the quarterly minimum basic rate is charged, but not less than one dollar (\$1.00) from the time such connection is made or such discharge into the system is begun, until the commencement of the next following billing period applicable to such premises.

(Ord. 1972-43. Passed 7-12-72.)

1042.28 AUTHORITY TO INCREASE RATES.

The rates set forth in Sections 1042.14 through 1042.19 shall be increased at any time as may be necessary to provide money for the costs of operating and maintaining the sewerage system and plant, to make the necessary payments required by any sewerage system revenue bonds or sewer system related loans to repay any such bonds or loans of the Municipality, and shall not be reduced unless money produced by the aforesaid rates shall exceed such costs of operation and maintenance and the requirements under the trust indenture.

(Ord. 1972-43. Passed 7-12-72; Ord. 2001-06. Passed 1-10-01.)

1042.29 NONACCEPTABLE INDUSTRIAL WASTES PROHIBITED.

Except as provided in Section 1042.23, the discharge of nonacceptable industrial wastes, as hereinafter defined, into the system, whether directly or indirectly, is prohibited. Where investigation reveals the presence in the system of nonacceptable industrial wastes emanating from any lot, land, building or premises, located within

or outside the corporate limits of the Municipality, the owner, lessor, renter or occupant of the lot, land, building or premises shall be required to treat, neutralize or in other ways meet the requirements of Council, in order to convert the wastes into acceptable industrial wastes.

(Ord. 1986-47. Passed 6-11-86.)

1042.30 RULES AND REGULATIONS OF COUNCIL.

Council shall make and enforce rules and regulations as it deems necessary for the enforcement of the provisions hereof for the safe, efficient and economical management of the system, and such rules and regulations, when not repugnant to existing ordinances of the Municipality or laws of the State, shall have the same force and effect as ordinances of Council.

(Ord. 1986-47. Passed 6-11-86.)

1042.31 WATER AND SEWER CHARGES; COMBINED BILLING. (REPEALED)

(EDITOR'S NOTE: Section 1042.31 was repealed by Ordinance 2001-06, passed January 10, 2001.)

1042.32 PENALTY FOR DELINQUENT SEWER MAINTENANCE CHARGE PAYMENTS.

A penalty of one hundred fifty dollars (\$150.00) shall be assessed and paid for all delinquent sewer maintenance charges that are certified to the County Fiscal Officer for placement on the next tax duplicate for collection. (Ord. 1983-93. Passed 8-10-83; Ord. 2001-06. Passed 1-10-01; Ord. 2013-20. Passed 3-13-13.)

1042.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 1044

Gas

EDITOR'S NOTE: The Municipality contracts with the East Ohio Gas Company for natural gas service. Copies of the latest relevant legislation may be obtained, at cost, from the Administrative Clerk.

There are no sections in Chapter 1044. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Gas or electric companies may manufacture and supply both electricity
and gas - see Ohio R.C. 4933.02

Gas company may extend mains beyond Municipality - see Ohio R.C.
4933.05

Gas meters - see Ohio R.C. 4933.08 et seq.

Prosecutions for theft of utilities - see GEN. OFF. 672.06

Gas wells - see B.R. & T. Ch. 862

CHAPTER 1046

Electricity

- 1046.01 Pole construction; permit required.
- 1046.02 Issuance of permits for poles and electric power lines.
- 1046.03 Municipal pole use privileges.

1046.04 Permit required for underground and subway work.
1046.99 Penalty.

CROSS REFERENCES

Gas or electric companies may manufacture and supply both electricity and gas - see Ohio R.C. 4933.02

Contracts with municipal corporation for light - see Ohio R.C. 4933.04

Powers of electric light and power companies - see Ohio R.C. 4933.13

Appropriation of property by electric companies - see Ohio R.C. 4933.15

Prosecutions for theft of utilities - see GEN. OFF. 672.06

Wiring in dwellings - see B. & H. 1442.49

1046.01 POLE CONSTRUCTION; PERMIT REQUIRED.

No person shall erect or construct, or cause to be erected or constructed, any pole for any guy line, wires or electrical conductors of any description whatever upon or across any streets, avenues, alleys or public property within the Municipality without first obtaining a permit therefor.

(Ord. 1963-81. Passed 5-14-63.)

1046.02 ISSUANCE OF PERMITS FOR POLES AND ELECTRIC POWER LINES.

(a) Pole Permits. In the case of a telephone company, the permit required by Section 1046.01 shall be issued by the Administrative Clerk. In the case of an electric company, the Administrative Clerk is hereby authorized to issue such permit where the voltage to be carried is solely for use by a residential, institutional or governmental consumer within the Municipality, or solely for the normal requirements of an industrial or retail business or service consumer within the Municipality, provided that such voltage at no time exceeds 37.5KV. In the case of an electric company where the proposed voltage to be carried does exceed 37.5KV, the permit shall be authorized by Council. The form of the permit shall be approved by the Law Director and no fee shall be charged for the permit. The permit shall specifically be subject to the terms and conditions of all ordinances of the Municipality pertaining to any franchise rights of the public utility. No permit shall be issued until the public utility first files appropriate plans in the office of the Administrative Clerk, which shall be permanently filed in with his or her records.

(b) Electric Power Line Permits. No person shall construct or maintain an electric power line carrying greater voltage than 37.5KV without first obtaining a permit therefor from Council. No charge shall be made for such permit. The applicant shall first file plans and specifications, which shall show the course and route of the proposed line in or through the Municipality. The line shall be installed underground, at a minimum depth of six feet below grade. The line shall be backfilled by and laid in at least six inches of sand; it shall be standard underground pipe-type cable, lead-covered, to be no less than the standard minimum A.E.I.C. specification as to voltage herein adopted. Such line shall be encased in an enclosed sealed and welded steel pipe with protective sheath, having a somatic coating. The pipe may either be oil or gas-filled and shall be capable of withstanding any maintained pressure. In addition to the method of installation described in the aforementioned portion of this section, the applicant for a permit to be issued by Council may use any method of underground construction approved by the Public Utilities Commission of Ohio or the National Electrical Code, with or without lead-covered cable, and to an underground depth approved by such authority. (Ord. 1963-81. Passed 5-14-63.)

1046.03 MUNICIPAL POLE USE PRIVILEGES.

All applications for permits to erect poles in the streets and alleys of the Municipality shall provide that the Municipality may use the poles to be so erected and attach thereto the necessary crossarms, wires or other electrical appliances as may be deemed necessary for the police and fire signal service of the Municipality, and no permit shall be issued by the Administrative Clerk for the erection of such poles if the application and permit do not provide for the privileges herein granted to the Municipality.
(Ord. 1963-81. Passed 5-14-63.)

1046.04 PERMIT REQUIRED FOR UNDERGROUND AND SUBWAY
WORK.

No person shall lay or construct, or cause to be laid or constructed, any subways, conduits, ducts or pipes in the streets, avenues or alleys within the Municipality without first obtaining a permit therefor from the Administrative Clerk. No person shall lay or construct, or cause to be laid or constructed, any subways, conduits, ducts or pipes in any public grounds or in any real property of the Municipality without first obtaining a permit therefor from the Administrative Clerk. Any company or individual so placing wires underground in any street, alley or public ground of the Municipality shall, upon written notice from the proper authorities of the Municipality that a sewer or water main is to be repaired or constructed in such manner as will necessitate the moving or altering of any conduit of such company or individual, move or alter the same at his or her or its expense so as to permit the construction or repair of the sewer or water main where ordered, and should any such person or company fail to comply with such notice the conduit may be altered or moved by the Municipality and the cost and expense thereof recovered from the person or company.

(Ord. 1963-81. Passed 5-14-63.)

1046.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 1963-81. Passed 5-14-63.)

TITLE SIX - Other Public Services

- Chap. 1060. Garbage and Rubbish Collection and Disposal.
 Chap. 1062. Cemeteries.
 Chap. 1064. Playgrounds and Parks.
 Chap. 1066. Village Hall.
 Chap. 1068. Emergency Alarms.
 Chap. 1070. Snow Removal for Senior Citizens and/or Physically Disabled Residents.

CHAPTER 1060

Garbage and Rubbish Collection and Disposal

1060.01	Definitions.	1060.07	License required for collection.
1060.02	Residential garbage and	1060.08	General license regulations; fee;
	rubbish storage and containers.		vehicles; insurance; days of
1060.025	The removal of garbage by		service; rates.
	unauthorized persons;	1060.09	Deposit of garbage or rubbish
	regulations.		in receptacles only.
1060.03	Collector's contract; collection	1060.10	Garbage disposals or
	regulations.		incinerators.
1060.04	Disposal by contractor.	1060.11	Garbage and rubbish storage
1060.05	Uncollected garbage declared a		on commercial and industrial
	nuisance.		properties.
1060.06	General licensing authority.	1060.99	Penalty.

CROSS REFERENCES

- Collection and disposal of garbage - see Ohio R.C. 715.43, 717.01
 Employment of scavengers - see Ohio R.C. 3707.39
 Littering - see GEN. OFF. 660.03
 Filthy accumulations - see GEN. OFF. 660.04
 Containment of trash and debris at construction sites - see B. & H. 1490.07

1060.01 DEFINITIONS.

As used in this chapter:

- (a) "Garbage" means all putrescible wastes, except human excreta, sewage and other water-carried wastes. "Garbage" includes vegetable and animal offal and carcasses of dead animals and also includes all such substances from all private residences.
- (b) "Person" includes any person, company, corporation, partnership, organization or entity.
- (c) "Premises" means land and/or buildings, or parts of either or both.
- (d) "Private residence" means a dwelling used for residence purposes and includes owners, tenants and occupants of all such premises where garbage and rubbish are created. Three families shall be the maximum allowed to be considered a private residence. Nothing in this definition shall be construed to apply to commercial establishments of any nature whatsoever.
- (e) "Rubbish" means ashes, glass, crockery, tin cans, paper boxes, rags, old clothing and all other similar nonputrescible wastes. The word does not include any material such as earth, sand, brick, stone, plaster or other similar substances that may accumulate as a result of construction operations.
(Ord. 2010-65. Passed 11-22-10.)

1060.02 RESIDENTIAL GARBAGE AND RUBBISH STORAGE AND CONTAINERS.

- (a) No person residing in a private residence shall permit to accumulate upon the premises any garbage or rubbish except in covered containers approved by Council, except for tree cuttings.
(Ord. 1968-52. Passed 5-8-68.)

(b) All garbage shall be kept in either tightly sealed plastic bags or in rust-resistant, watertight, nonabsorbent and easily washable containers which are covered with closely fitting lids. Where practicable, all garbage shall be drained of liquids and wrapped in paper. Containers and plastic bags shall be of adequate capacity and provided in sufficient number to hold all garbage that accumulates between collections. All containers shall be washed and treated with a disinfectant as often as necessary to prevent nuisance. Containers and plastic bags shall be placed outside the building after sunset of the day preceding the collection and before 8:00 a.m. of the day of collection. The empty container shall be removed from the tree lawn no later than 12:00 midnight of the day of collection. All containers and plastic bags used for collection shall be placed on the tree lawn near the curb.
(Ord. 1975-50. Passed 5-14-75.)

(c) All rubbish shall be stored in reasonably tight and substantial containers that are easy to handle and whose weight shall not exceed fifty pounds. Such containers shall be of

adequate capacity and in sufficient number to hold all rubbish that accumulates between collections. Insofar as practicable, boxes, papers, tree cuttings and odd articles shall be crushed and bundled in lengths of not more than four feet and in weights of not more than fifty pounds.

(Ord. 1968-52. Passed 5-8-68.)

1060.025 THE REMOVAL OF GARBAGE BY UNAUTHORIZED PERSONS; REGULATIONS.

(a) No person shall remove, appropriate or otherwise take any garbage, rubbish or other refuse deposited on or around tree lawns or in or around any trash receptacle for collection by a trash collection contractor, except for authorized agents of the Municipality, trash collection contractors or government law enforcement organizations.

(b) Whoever violates this section is guilty of a minor misdemeanor. Subsequent offenses by persons convicted of this offense within the past two years shall be guilty of a misdemeanor of the fourth degree.

(Ord. 2009-30. Passed 6-10-09.)

1060.03 COLLECTOR'S CONTRACT; COLLECTION REGULATIONS.

The following regulations shall apply to the collection of garbage and rubbish:

- (a) No person shall collect or transport garbage or rubbish within the Municipality who does not have a written contract with the Municipality for this purpose, except for commercial properties.
- (b) All garbage and rubbish shall be hauled in a vehicle with an all-steel, leakproof body. Spillage or drippage from vehicles transporting garbage and rubbish shall not be permitted. The vehicle shall be washed and treated with a disinfectant as often as necessary to prevent nuisance.
- (c) No person shall collect garbage or rubbish in the Village in any vehicle between the hours of 9:00 p.m. and 7:00 a.m. of the following day.

(Ord. 1995-49. Passed 5-24-95.)

1060.04 DISPOSAL BY CONTRACTOR.

The contractor shall provide for disposal. All materials collected shall be the property of the contractor and no person shall separate, collect, carry off or dispose of the same except by direction of the contractor.

(Ord. 1968-52. Passed 5-8-68.)

1060.05 UNCOLLECTED GARBAGE DECLARED A NUISANCE.

Fermenting, putrefying or odoriferous garbage or rubbish in containers or dumped in the open is hereby declared to be a nuisance and the person or persons responsible for the same

shall be liable to prosecution under the provisions of Ohio R.C. 3767.13 and/or Section 660.04 of the General Offenses Code.
(Ord. 1968-52. Passed 5-8-68.)

1060.06 GENERAL LICENSING AUTHORITY.

Council may license one or more competent collectors of garbage and/or ashes or rubbish material to collect or remove any garbage and/or ashes and rubbish material accumulating within the Municipality and to use the streets, avenues and alleys of the Municipality for the purpose of collecting or transporting garbage and/or ashes and rubbish material. Such licenses shall be granted under rules and regulations prescribed by Council for the preservation of the health of the inhabitants of the Municipality. No person, other than the duly authorized collector or collectors herein provided for, their agents or servants, shall collect or remove any garbage accumulating within the Municipality or use the streets, avenues and alleys of the Municipality for the purpose of collecting or transporting garbage or ashes and rubbish material.
(Ord. 1981-60. Passed 7-8-81.)

1060.07 LICENSE REQUIRED FOR COLLECTION.

No person shall engage in the business of hauling or picking up trash, refuse and garbage within the corporate limits of the Municipality without first being licensed to do so by Council.
(Ord. 1981-60. Passed 7-8-81.)

1060.08 GENERAL LICENSE REGULATIONS; FEE; VEHICLES; INSURANCE; DAYS OF SERVICE; RATES.

- (a) Each license for hauling garbage and rubbish shall be issued on an annual basis.
- (b) The fee for the license shall be twenty-five dollars (\$25.00) per vehicle per year.
- (c) Each licensed vehicle shall be of the packer type, and shall be inspected annually by the Superintendent of the Service Department to determine if it is in proper working order and shall not cause spillage within the Municipality.
- (d) Each licensed vehicle shall be insured for liability coverage in a minimum amount of three hundred thousand dollars (\$300,000) for damage to property, five hundred thousand dollars (\$500,000) for injury to each person and one million dollars (\$1,000,000) for each accident.
- (e) The licensee shall provide the Municipality with the names and addresses of all employees working within the corporate limits.

(f) The Superintendent may designate days on which service shall not be provided. The days that rubbish and garbage can be picked up are Wednesday, Thursday and/or Friday of each week.

(g) Haulers shall charge such rates as Council approves and Council may impose such other reasonable regulations as it deems appropriate from time to time. However, the maximum rate shall be ten dollars (\$10.00) per month.

(Ord. 1981-60. Passed 7-8-81.)

1060.09 DEPOSIT OF GARBAGE OR RUBBISH IN RECEPTACLES ONLY.

No person shall deposit garbage or refuse material which may become offensive, noxious or dangerous to the public health in any place other than the receptacle or receptacles provided for in this chapter.

(Ord. 1981-60. Passed 7-8-81.)

1060.10 GARBAGE DISPOSALS OR INCINERATORS.

Nothing in this chapter shall prohibit the removal of garbage within a building or dwelling by means of an incinerator or a garbage disposal unit.

(Ord. 1981-60. Passed 7-8-81.)

1060.11 GARBAGE AND RUBBISH STORAGE ON COMMERCIAL AND INDUSTRIAL PROPERTIES.

(a) All commercial and industrial properties in the Municipality must screen any dumpsters and outdoor rubbish, garbage, junk, or discarded materials contained thereon from view. Such fencing shall be board-on-board, stained to match the existing building, or be made from the same material as the building and be painted, brick, or stuccoed, as the case may be, to match the existing building. Such enclosure shall be six to eight feet in height, eight to twelve feet in depth, and no more than twelve feet in width. For buildings in which more than one dumpster is needed, a larger width may be permitted.

(b) No parking shall be permitted in front of the dumpster entrances. Signs indicating that no parking shall be permitted in front of the dumpster entrance shall be posted.

(c) All fenced-in dumpster areas shall be gated, and the gate or gates shall be kept securely closed during times in which refuse is not being placed into or being removed from the dumpster.

(d) Both the owner and tenant of the commercial or industrial property are responsible for complying with the provisions of this section, and such provisions may be enforced against both the owner of the property and/or the tenant.

(e) Whoever violates this section is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than 60 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 2000-40. Passed 4-12-00; Ord. 2010-65. Passed 11-22-10.)

1060.99 PENALTY.

Whoever violates any of the provisions of this chapter for which no penalty is specifically provided is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 1981-60. Passed 7-8-81; Ord. 2000-40. Passed 4-12-00; Ord. 2010-65. Passed 11-22-10.)

CHAPTER 1062

Cemeteries

EDITOR'S NOTE: There are no sections in Chapter 1062. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Burials may be prohibited - see Ohio R.C. 759.05

Management and control - see Ohio R.C. 759.09

Union cemeteries - see Ohio R.C. 759.27 et seq.

Burial permits - see Ohio R.C. 3705.24 et seq.

Burial of indigent persons - see Ohio R.C. 5113.15

CHAPTER 1064

Playgrounds and Parks

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| 1064.01 Rules of conduct. | 1064.03 Use of pavilions. |
| 1064.02 Destruction of property. | 1064.04 Use of athletic fields. |
| | 1064.99 Penalty. |

CROSS REFERENCES

Recreation Board - see CHTR. Art. XII; ADM. Ch. 282
Parks and recreation - see Ohio R.C. Ch. 755
Authorization of playgrounds - see Ohio R.C. 755.08, 755.12
Supervision of playgrounds - see Ohio R.C. 755.13
Play streets - see TRAF. 412.03

1064.01 RULES OF CONDUCT.

Playground and park rules by which persons within the Municipality shall be governed are as follows:

- (a) Activities are restricted to the hours of 8:00 a.m. to dusk.
- (b) Alcoholic beverages are not permitted.
- (c) Smoking is not permitted.
- (d) Profanity or inappropriate behavior is not permitted.
- (e) Only children ages 12 and under are permitted on the playground equipment.
- (f) Children 11 and under must be accompanied by an adult when using the basketball court.
- (g) The basketball court is to be used to play basketball only.
- (h) Basketball players shall limit their play to one hour if others are waiting for the court. Hanging on the rims or nets is prohibited.
- (i) Skateboarding, rollerblading, or any similar activity is not permitted.
- (j) Bicycles are only permitted in the parking lot area.
- (k) Motorized vehicles are only permitted in the parking lot area.
- (l) The use of dirt bikes, ATVs, scooters, etc. is not permitted.
- (m) Glass items of any kind are not permitted.
- (n) Only youth baseball players and their coaches are permitted to strike hard baseballs.
- (o) Any person not belonging to an organized league recognized by the Municipality shall surrender the area known as the baseball diamond or soccer field to said league for scheduled practice sessions or games.
- (p) No amplified sound-making devices are permitted without a permit from the Building Department.
- (q) No model or remote control planes are permitted.

- (r) Golf and archery are not permitted.
 - (s) No pets, other than service or therapy animals accompanied by their owners, are permitted to be off leashes.
 - (t) Residents may reserve the pavilion on a first come first served basis by contacting the Building Department during business hours.
 - (u) No fires are permitted with exception of those made in grills for the purpose of cooking.
 - (v) No person may trap, hunt, remove, or release any animals.
 - (w) No person shall remove or destroy any plants or trees.
 - (x) No one shall climb or stand upon fences or backstops.
 - (y) Snow sledding is permitted in designated areas only. The building of jumps is prohibited.
- (Ord. 2010-33. Passed 6-23-10.)

1064.02 DESTRUCTION OF PROPERTY.

No person shall willfully destroy playground or park property.

(Ord. 2010-33. Passed 6-23-10.)

1064.03 USE OF PAVILIONS.

A park pavilion may be reserved for periods of up to eight hours on a first come first served basis by completing the Village's pavilion reservation application and submitting the completed application to the Building Department, along with any fees due, within normal business hours. Resident applicants shall not be charged a fee for use of a pavilion. Nonresident applicants shall pay a non-refundable fee of one hundred fifty dollars (\$150.00), which is payable at the time the application is submitted. Both residents and nonresidents are required to pay a fifty dollar (\$50.00) cleanup deposit at the time the application is submitted. If the application is being submitted by a nonresident and payment is being made by check, separate checks shall be submitted for the use fee and the cleanup deposit. After the conclusion of the event, the area reserved shall be inspected by the Village. After inspection, if it is determined by the Village that the pavilion and surrounding area were left in a similar or better condition than prior to the event, the entire cleanup deposit shall be returned to the applicant. If Village personnel need to clean up after the event to restore the pavilion or surrounding area to their condition prior to the event, the entire cleanup deposit shall be retained by the Village.

(Ord. 2013-21. Passed 2-13-13)

1064.04 USE OF ATHLETIC FIELDS.

(a) Any organization or person desiring to use a Village athletic field on a reserved basis must apply for an athletic field reservation permit from the Building Department that sets forth the field(s), season, days of the week, and times to which the permit applies. The fee for such permit shall be two hundred fifty dollars (\$250.00) per organization or person receiving the permit, per season.

(b) Permit holders are responsible for supplying a port-o-potty during the season the permit is issued, unless another entity has already arranged for the supply of such port-o-potty during that season. In that event, the organization or person receiving the permit that is not required to supply a port-o-potty shall pay an additional seventy-five dollar (\$75.00) fee per season to the Village prior to receiving the permit.

(c) At the conclusion of each event, the permit holder for such event is responsible for ensuring that the fields and surrounding areas used by athletes, coaches, and spectators in connection with the event are free of garbage, equipment, and debris. If the Village is required to clean up or remove garbage, equipment, or debris resulting from an event, the Village may bill the permit holder one hundred dollars (\$100.00) for cleanup costs. If any cleanup charge is not paid to the Village within 14 days of the issuance of such charge, the organization or person billed for such charge's permit may be suspended by the Building Department until such outstanding charges are paid.
(Ord. 2013-21. Passed 2-13-13.)

1064.99 PENALTY.

(a) Whoever violates any of the provisions of Section 1064.01 of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00) for each offense.

(b) Whoever violates any of the provisions of Section 1064.02 of this chapter is guilty of a misdemeanor of the first degree, punishable by a fine of up to one thousand dollars (\$1,000.00), a jail term of not more than 180 days, and an order for restitution.
(Ord. 2010-33. Passed 6-23-10.)

CHAPTER 1066 Village Hall

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| 1066.01 Rules and regulations for Village Hall use.
1066.02 Memorial plaques. | 1066.03 No smoking or tobacco products within Village Hall.
1066.99 Penalty. |
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CROSS REFERENCES

Sale or lease of municipal property - see Ohio R.C. 721.01 et seq.
 Through traffic prohibited in Village Hall parking lot - see TRAF. 452.14

1066.01 RULES AND REGULATIONS FOR VILLAGE HALL USE.

Rules and regulations governing the use of the Village Hall facilities are hereby established as follows:

- (a) No person, or group of persons, shall use the Village Hall facilities, for other than official business, without first obtaining the consent of a majority of the members elected to Council.
- (b) All requests for such consent shall be made in writing at least seven days prior to the date desired for such use.
- (c) If time does not permit the making of the request provided for in subsection (b) hereof, and for good cause shown, written request for permission to use the Village Hall facilities may be made to the Mayor, who may grant the same in lieu of Council.
- (d) In case of duplicate requests for any specific use date, Council shall have the sole discretion to resolve such conflict.
- (e) Village Hall facilities shall be available for use by Municipal residents only.
- (f) Village Hall facilities shall not be used for wedding receptions or showers.
- (g) Any civic organization within the Municipality conducting its business meeting only, in the Village Hall, shall be allowed one meeting per month without a permit fee charged therefor, but for each additional business meeting per month a permit fee of fifteen dollars (\$15.00) per meeting shall be charged.

- (h) The Municipality shall not be responsible for any personal injury or for any loss or damage to property that may occur in connection with the use by anyone of the Village Hall facilities.
- (i) Dogs, tricycles, bicycles or scooters are prohibited within the Village Hall.
- (j) Intoxicants or gambling of any form are prohibited within the Village Hall.
(Ord. 1982-135. Passed 10-27-82.)

1066.02 MEMORIAL PLAQUES.

(a) A standard is hereby established as to the area of space that may be used for memorials to be placed upon the walls of the Town Hall. These memorials are to be in memory of some elected official who has served the Municipality. It is hereby established that this area not be greater in size than eighteen and three-quarters inches in width and twenty-four and three-quarters inches in length, or any combination thereof, as long as the total area does not exceed 465 square inches.

(b) Before any memorial may be placed upon a wall of the Town Hall, Council shall determine where the memorial shall be placed and also whether the memorial is entitled to be placed in the Town Hall according to the standard established in subsection (a) hereof.

(c) Council's permission shall be obtained in writing, signed by the Administrative Clerk, upon motion made by a Council member.
(Ord. 1966-52. Passed 6-27-66.)

1066.03 NO SMOKING OR TOBACCO PRODUCTS WITHIN VILLAGE HALL.

(a) Smoking or the use of tobacco products of any kind are prohibited within the confines of the Village Hall building, including all common areas, areas occupied by the Police and Fire Departments and individuals offices.

(b) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. Any Village employees who violate this section will also be subject to disciplinary action.
(Ord. 2002-12. Passed 2-27-02.)

1066.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense.

CHAPTER 1068

Emergency Alarms

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| 1068.01 Authority to install alarm. | 1068.07 Nonliability of Municipality. |
| 1068.02 Automatic dialing devices. | 1068.08 Rules and regulations. |
| 1068.03 Alarms connected directly to
police station. | 1068.09 Permits and fees; address
markings; separate alarms. |
| 1068.04 Local alarms. | 1068.99 Penalty. |
| 1068.05 False alarms. | |
| 1068.06 Maintenance of devices;
responsibilities of suppliers;
authority of Police Chief; false
alarms. | |

CROSS REFERENCES

- Theft alarms - see TRAF. 438.20
 Trespass - see GEN. OFF. 642.10, 642.11
 False alarms - see GEN. OFF. 648.07, 648.08
 Armed security guards - see B.R. & T. Ch. 806
 Carbon monoxide detectors - see B. & H. Ch. 1463
 Smoke detectors - see B. & H. Ch. 1478

1068.01 AUTHORITY TO INSTALL ALARM.

(a) Any premises located within the Municipality may be equipped with an emergency alarm, upon compliance with this chapter, for the purpose of detecting and signaling the presence of a holdup or unauthorized intrusion. Existing installations, whether residential or otherwise, shall be subject to the requirements of this chapter, including those requirements pertaining to permits.

(b) No person shall install any alarm referred to in this chapter without first obtaining a permit therefor from the Municipality, and no owner and/or tenant of a place shall suffer or allow such installation unless a permit has been obtained as provided herein. Prior to issuance of such a permit, the Chief of Police shall investigate the reliability of the applicant and the applicant's equipment, and shall require, on forms to be provided by the Chief, relevant information as may be deemed necessary by the Chief to protect the integrity and confidentiality of alarm systems. The Chief shall

issue a permit to a qualified applicant, provided that he or she shall refuse to issue a permit to any applicant whose equipment is incompatible with Municipal equipment, whose officers and/or agents are unable to reasonably demonstrate that they will protect the confidentiality and integrity of the system, or who has failed to pay permit fees as required by this chapter.

1068.02 AUTOMATIC DIALING DEVICES.

(a) The Municipality may subscribe to one or more telephone lines for burglar alarms or for holdup alarm purposes or for similar purposes, and when any line is designated as provided for the above, persons may, upon proper application and compliance with applicable laws, be granted a permit to install a device or devices which automatically select the designated telephone line for the purpose of playing a recorded message or to otherwise report an intrusion or other emergency.

(b) No person shall use or cause to be used any telephone device or telephone attachment that automatically selects a telephone line allocated by the telephone company to the Municipality or any of its departments or divisions, except a telephone line which may be specifically designated by the Police Department for such purpose. Such designated telephone line or lines shall terminate at the police station communications center.

(c) For alarms of the type described, the message shall comply with the following:

- (1) Length of message - fifteen seconds maximum;
- (2) Message shall not be repeated more than three times for each dialing;
- (3) Contents - message shall first state: "This is a recording." The balance of the message shall be appropriate to the purpose for which the alarm is installed and shall be subject to the approval of the Chief of Police. The entire message shall be intelligible.

(d) For alarms of the type described, each such device shall be programmed to first dial the police station, using an unlisted number assigned for that purpose.

(e) The cost of providing the service described above, including any fee or payment charged by the telephone company, shall be paid by the applicant.

(f) The fee to be charged by the Municipality shall be determined on an annual basis by dividing the cost of phone service to the Municipality by the number of holders of permits for alarms, as described, adding fifteen percent for administration and rounding off to the next highest dollar, except that the minimum charge shall be five dollars (\$5.00) per month per subscriber. All fees shall be payable on a calendar month basis in advance. Delinquency in excess of ten days shall result in cancellation of the permit or permits.

1068.03 ALARMS CONNECTED DIRECTLY TO POLICE STATION.

(a) Upon proper application by any persons, firms or corporations engaged in retail, commercial or industrial enterprises and public facilities to connect installed equipment to the Police Station to receive emergency alarms, the Chief of Police or his or her authorized representatives may issue a permit or permits for such connection.

(b) Connection to the police alarm panel, as provided for in subsection (a) hereof, shall be contingent upon the applicant having obtained permission from the company which maintains the alarm panel in the police station to make such connection. Permission shall not be denied, provided that equipment is compatible, that charges are paid to such company, and that such installation is inspected and approved by the Chief of Police or his or her authorized representative.

(c) The Municipality shall, within its capabilities, endeavor to accommodate every reasonable application for connection to the police alarm panels, as provided for in subsections (a) and (b) hereof.

(d) A fee of ten dollars (\$10.00) per month shall be paid to the Municipality for all holdup and intrusion alarms connected directly to the police station. All fees shall be payable on a calendar month basis in advance. Delinquency in excess of ten days shall result in cancellation of any permit or permits.

1068.04 LOCAL ALARMS.

A permit for the installation of a local alarm which, when activated, sounds a horn, bell, buzzer or other type of audible alarm, shall be required if the sound created by the alarm is audible beyond the premises being served. The Chief of Police or his or her authorized representatives shall issue a permit for such an alarm, provided the intensity of sound does not exceed sixty-five decibels at any location outside the premises being served and provided the alarm is equipped with an automatic reset device which resets the alarm within fifteen minutes or the permit holder provides the names, addresses and phone numbers of three persons who will respond when called and reset the alarm within thirty minutes. Lists of names of persons who will respond to reset the alarm shall be kept current and correct by the permittee.

1068.05 FALSE ALARMS.

(a) As used in this section, "false alarm" means an emergency alarm, activated by inadvertence, negligence or unintentional acts, including, but not limited to, malfunction of the alarm system, to which the Police Department responds. The definition excludes false alarms caused by: malfunctions of the indicator at the police station; malfunction, testing or repairing of telephone equipment or lines; malfunction, testing or repairing of the normal power supply source for alarms installed on residential subdivisions; acts of God, such as earthquake, flood, windstorm, thunder or lightning; an attempted illegal entry of which there is visible evidence; or the user acting under a sincere belief that a need exists to call the Police Department. If a doubt exists as to the cause of a false alarm, the Chief of Police shall resolve it in favor of the alarm user. Multiple alarms received before the system can be deactivated within a reasonable period of time shall be considered a single alarm.

(b) A charge in accordance with the following schedule shall be imposed for false alarms:

Business, Commercial, Industrial

First three false alarms in a twelve-month period - no charge.

Fourth through sixth false alarms in a twelve-month period - \$25.00

Seventh through ninth false alarms - \$50.00

Tenth through twelfth false alarms - \$100.00

More than twelve false alarms in a twelve-month period - See Section 1068.06(i) through (o).

Residential

First three false alarms in a twelve-month period - no charge.

Fourth through sixth false alarms in a twelve-month period - \$25.00

Seventh through ninth false alarms - \$50.00

Tenth through twelfth false alarms - \$100.00

More than twelve false alarms in a twelve-month period - See Section 1068.06(i) through (o).

(c) Notwithstanding the fee to be assessed, as set forth above, no charge shall be made for the first three false alarms in a twelve-month period, nor shall there be any charge for a false alarm to which there is no response by the Police Department, nor when the cause has been proven to be an act of God.

(d) A grace period of thirty days from the date of installation shall be granted to new permittees. During this period, no false alarms shall be counted towards the three allowable false alarms before charges are assessed.

(e) Any charge for a false alarm, as provided for in subsection (b) hereof, which remains unpaid thirty days after date of invoice, may result in the cancellation of the permit.

1068.06 MAINTENANCE OF DEVICES; RESPONSIBILITIES OF
SUPPLIERS; AUTHORITY OF POLICE CHIEF; FALSE
ALARMS.

(a) All components comprising such a device shall be maintained by the owner in good repair to assure reliability of operation.

(b) Each alarm equipment supplier that sells or leases to a person an automatic protection device, which is installed on such person's premises in the Municipality, shall furnish that person with instructions as to the way the device operates, along with maintenance instructions.

(c) Each alarm equipment supplier that sells or leases to a person an automatic protection device, which is installed on such person's premises in the Municipality, for which a permit is required, shall provide for receiving calls for service, directly or through an agent, on a twenty-four hour basis, seven days a week, and shall respond to such calls within eight hours of the time they are received.

(d) Each alarm equipment supplier described in subsections (b) and (c) hereof shall be required to register with the Police Department and to provide such information concerning his or her business and operation as is deemed necessary by the Police Department.

(e) At the time of installation, each alarm equipment supplier shall furnish to the person for whom an automatic protection device has been installed, written information as to how services can be obtained at any time, including the telephone number to call for service, and such person shall be responsible for having the device repaired as quickly as possible after he or she learns, either from his or her own sources or from notification by the Municipality, that the device is not working properly.

(f) The Chief of Police or any officer designated by him or her shall have the authority, at reasonable times and upon oral notice, to enter upon any premises within the Municipality to inspect the installation and operation of an automatic protection device or signaling device, the purpose of which is to report an emergency to the Police Department.

(g) All equipment, the use or installation of which is subject to this chapter, shall be maintained in good operating condition. The Chief of Police or his or her representative may require that repairs be made whenever he or she has determined that such are necessary to assure proper operation.

(h) All alarms installed on business premises in the Municipality must be provided with an auxiliary power source to preclude false alarms due to power failures in the normal power supply source for the premises.

(i) When the number of false alarms for any installation exceeds six in any twelve-month period, the Chief of Police shall serve written notice by certified mail upon the permit holder that the permit shall be automatically revoked two weeks from the date of the notice.

(j) The permit holder shall also be notified that the permit may be extended to allow six more false alarms in the next twelve months under certain conditions herein specified.

(1) The permit holder must request extension of the permit, in writing, to the Chief of Police, prior to the effective revocation date.

(2) The request must explain what steps have been taken by the permit holder to eliminate future false alarms.

(k) Upon receipt of a complete written request for a permit extension from the permit holder, the Chief of Police shall automatically extend said permit.

(l) If during the next twelve months there are less than six false alarms, the status of the permit shall be reinstated.

(m) In the event that six more false alarms are charged against the extended permit during the next twelve month period, the permit shall be automatically and permanently revoked.

(n) Upon permit revocation, the Chief of Police shall notify the permit holder, in writing, by certified mail, of the effective date of such revocation and that the Police Department will no longer respond to any alarms transmitted from that installation.

(o) Revoked permits may be reinstated by the Chief of Police as a new installation permit only under the following conditions:

(1) If the cause for the false alarms was determined to be an equipment problem, the existing alarm system must be completely removed and an entire new system must be installed. Removal of the old system must be verified by the Police Department before a new system is installed.

(2) If the cause for the false alarms was determined to be human error, the permit holder must provide documentation that all persons who could cause the transmission of a false alarm have received formal training in the proper operation of the alarm system. This training must be conducted and documented by the alarm company.

(p) Permits may be cancelled by the Chief of Police, with the approval of the Mayor, for violation of any provision of this chapter or for failure to properly maintain an installation.

1068.07 NONLIABILITY OF MUNICIPALITY.

The issuance of any permit or permits in conjunction with this chapter shall not constitute acceptance by the Municipality of any liability to maintain any equipment, to answer alarms, or for anything in connection therewith.

1068.08 RULES AND REGULATIONS.

The Mayor or his or her authorized representative shall make and enforce such rules and regulations as he or she may deem necessary for the enforcement of the provisions hereof and for the proper determination and collection of the fees and charges herein provided for.

1068.09 PERMITS AND FEES; ADDRESS MARKINGS; SEPARATE ALARMS.

(a) A fee of ten dollars (\$10.00) shall be paid to the Municipality for each permit issued as provided herein to cover administrative and inspection costs. A separate permit and permit fee shall be required for a holdup and an intrusion alarm emanating from the same premises. No permit issued pursuant to any provision of this chapter shall be transferable to any person, firm or corporation.

(b) All premises where an alarm permit has been issued shall have a conspicuous address marking, a minimum of six inches high, located on the side of the building facing the street, in clear view from the street.

(c) Where there is more than one alarm system in a building, or separate alarms for a particular part or section, this constitutes another alarm. All separate alarms shall be so coded on the outside of the building so as to designate areas for that particular alarm only.

1068.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree for a first offense and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both. For any subsequent offense, such person is guilty of a misdemeanor of the second degree and shall be fined not more than seven hundred fifty dollars (\$750.00) or imprisoned not more than ninety days, or both.

CHAPTER 1070
Snow Removal for Senior Citizens and/or Physically Disabled Residents

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| 1070.01 Establishment of snow removal service. | 1070.03 Annual registration. |
| 1070.02 Qualifications. | 1070.04 Application form. (Repealed) |

CROSS REFERENCES

Snowmobiles - see TRAF. 432.41, Ch. 446
 Snow emergency parking ban - see TRAF. 452.17
 Snow removal contractors - see B.R. & T. Ch. 878
 Snow removal in subdivisions - see P. & Z. 1250.06

1070.01 ESTABLISHMENT OF SNOW REMOVAL SERVICE.

There is hereby established in and for the Village a snow removal service for senior citizens and/or physically disabled residents of the Village residing in any single-family dwelling and meeting the qualifications as outlined in Section 1070.02.
 (Res. 1999-61. Passed 11-10-99.)

1070.02 QUALIFICATIONS.

Each registrant for snow removal service shall be either:

- (a) A senior citizen who satisfies all of the following requirements:
 - (1) Is at least sixty-five years of age;
 - (2) Does not reside with an able-bodied individual capable of removing snow; and
 - (3) Shall release the Village, its servants, agents and employees from any liability arising out of snow removal on the registrant's property; and
 - (4) Pays the registration fee of five dollars (\$5.00) per year.
 - (b) Physically disabled, regardless of age, provided that:
 - (1) Such individual submits a doctor's certification that activity such as snow shoveling would be adverse to his or her health;
 - (2) Does not reside with an able-bodied individual capable of removing snow;
 - (3) Shall release the Village, its servants, agents and employees from any liability arising out of snow removal on the registrant's property; and
 - (4) Pays the registration fee of five dollars (\$5.00) per year.
- (Res. 1999-61. Passed 11-10-99; Ord. 2001-05. Passed 1-10-01; Ord. 2001-78. Passed 10-10-01; Ord. 2014-59. Passed 11-12-14.)

1070.03 ANNUAL REGISTRATION.

Each registrant for snow removal service shall register annually with the Village by accurately completing a form available from the Village's 199 Ledge Road Department of Public Service Building.

(Res. 1999-61. Passed 11-10-99; Ord. 2005-58. Passed 10-26-05; Ord. 2014-59. Passed 11-12-14.)

1070.04 APPLICATION FORM. (REPEALED)

(EDITOR'S NOTE: Section 1070.04 was repealed by Ordinance No. 2014-59, passed November 12, 2014.)